

ABSTRAK

Upaya pemerintah dalam menata Izin Usaha Pertambangan (IUP) di Indonesia adalah mengevaluasi setiap izin yang sudah ada sesuai dengan Peraturan Menteri Nomor 43 Tahun 2015 tentang Tata Cara Evaluasi Penerbitan Izin Usaha Pertambangan Mineral dan Batubara. Apabila memenuhi kriteria, maka perusahaan pertambangan akan diberikan sertifikat Clear and Clean dan perusahaan tersebut dapat melakukan aktivitasnya. Untuk mendapatkan sertifikat tersebut, perusahaan pertambangan harus melewati tahapan evaluasi dari segi administratif, kewilayahan, teknis, lingkungan, dan finansial, yang dilakukan oleh Direktur Jenderal atau gubernur. Bagi perusahaan yang tidak memenuhi kriteria tersebut, maka IUPnya dinyatakan non Clear and Clean. Perusahaan pertambangan akan mendapat sanksi administrasi berupa pencabutan izin, penggabungan, penciutan, penyesuaian jangka waktu sesuai ketentuan Undang-Undang Nomor 4 Tahun 2009 tentang Pertambangan Mineral dan Batubara, dan perubahan koordinat terhadap IUP. Upaya hukum perusahaan pertambangan yang tidak setuju terhadap hasil evaluasi IUP tersebut adalah mengajukan gugatan ke PTUN. Apabila masih belum setuju terhadap putusan PTUN, dapat mengajukan banding ke PT TUN dan terakhir ke Mahkamah Agung sampai berkekuatan hukum tetap.

Kata Kunci: *Evaluasi Penerbitan Izin Usaha Pertambangan, Clear and Clean, Sanksi Administrasi, Upaya Hukum.*

ABSTRACT

The Government's effort in organizing the Mining Business License (IUP) in Indonesia is to evaluate every existing permit in accordance with Ministerial Regulation Number 43 Year 2015 regarding Procedures for Evaluation in Publishing of Mining Business Licenses for Mineral and Coal. If it meets the criteria, then the mining company will be given a Clear and Clean certificate and the company can perform its activities. To obtain the certificate, a mining company must pass through an administrative, regional, technical, environmental, and financial evaluation stage, conducted by the Director General or the governor. For companies that do not meet the criteria, the IUP is declared non Clear and Clean. Mining companies will get administrative sanctions in form of revocation of permits, the merger of Mining Business License Area, relinquishment, adjustment of the period according to the provisions of Law Number 4 Year 2009 regarding Mineral and Coal Mining, and coordinate changes for IUP. The legal action for the mining company that does not agree with the IUP evaluation result is to file a lawsuit to the Administrative Court. If the company does not agree with the decision of the Administrative Court, the company can appeal to PT TUN and lastly to the Supreme Court until it becomes final and binding.

Keywords: *Evaluation in Publishing of Mining Business Licenses for Mineral and Coal, Clear and Clean, Administrative Sanctions, Legal Action.*